

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HOWARD UNIVERSITY, :
Plaintiff, :
-v- : 20-cv-4716 (LJL)
LARRY BORDERS and VIRGINIA BORDERS, :
Defendants, :
and :
CENTRALIA MADONNA, a DRAWING, :
Defendant-in-rem. :
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LEWIS J. LIMAN, United States District Judge:

At the initial pretrial conference on September 3, 2020, the Court made the following rulings:

Privilege logs in connection with fact discovery shall be served no later than November 30, 2020.

Plaintiff shall produce the Annual Reports by making them available for Defendants' inspection at Howard University as they are kept in the usual course of business. Fed. R. Civ. P. 34(b)(2)(E)(i); *see Five Borough Bicycle Club v. City of New York*, 2008 WL 704209, at *2 (S.D.N.Y. Mar. 10, 2008); *In re Adelphia Commc'n Corp.*, 338 B.R. 546, 553 (Bankr. S.D.N.Y. 2005).

Defendants' motion to compel Plaintiff to produce "all documents, including communications, concerning the Artwork" is DENIED without prejudice to renewal if any disputes remain after Defendants narrow the document request.

Defendants' motion to compel Plaintiff to produce documents concerning other artworks from Plaintiff's art collection that may have been "sold or de-accessioned" is GRANTED but only as to artworks that have been sold or de-accessioned between 1965 and 1980.

Defendants' motion to compel Plaintiff to produce documents concerning other artworks from Plaintiff's art collection that may have been "stolen or transferred without authority" is GRANTED but only as to artworks that have been stolen or transferred without authority between 1965 and 1980.

As ordered at the conference, Plaintiff shall submit a proposed Case Management Plan and Scheduling Order by September 8, 2020 at 5:00 p.m., which adopts the dates previously proposed by Defendants. *See* Dkt. No. 20-1. The Court will thereafter grant those deadlines.

The Clerk of Court is respectfully directed to close Dkt. Nos. 20, 21.

SO ORDERED.

Dated: September 4, 2020
New York, New York



LEWIS J. LIMAN
United States District Judge